

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

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UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 21-CR-

21-CR-223

JESUS CISNEROS-HERNANDEZ,
JUAN ARTURO CHARLES,
VICTOR COBIAN,
RICHARD MOSQUEDA,
CRISTINA COLE,
MICHAEL PRESTON,
DEJAN ZORIC, and
RAFAEL PRECIADO,

[18 U.S.C. §§ 371, 554, 922(a)(1)(A),
922(a)(6), 924(a), 924(b), 1512(b)(2)(B),
1512(c)(1), and 1512(c)(2), 22 U.S.C.
§§ 2778(b)(2) and 2778(c), and 22 C.F.R.
§§ 121.1, 123.1, 127.1, and 127.3]

[SEALED]

Defendants.

INDICTMENT

COUNT ONE
Conspiracy

THE GRAND JURY CHARGES THAT:

1. Beginning by at least December 2017 and continuing until on or about March 1, 2019, in the State and Eastern District of Wisconsin and elsewhere,

**JESUS CISNEROS-HERNANDEZ,
JUAN ARTURO CHARLES,
VICTOR COBIAN,
RICHARD MOSQUEDA,
CRISTINA COLE,
DEJAN ZORIC, and
RAFAEL PRECIADO**

did knowingly and intentionally conspire with each other and others known and unknown to the Grand Jury to commit offenses against the United States, namely:

- (a) to knowingly make a false statement in connection with the acquisition and attempted acquisition of any firearm and ammunition from a licensed dealer intended and likely to deceive such dealer of a fact material to the lawfulness of the sale and other disposition of such firearm and ammunition, in violation of Title 18, United States Code, Section 922(a)(6);
- (b) to willfully engage in the business of dealing in firearms, and to transport and receive any firearm in interstate and foreign commerce in the course of such business without a license, in violation of Title 18, United States Code, Section 922(a)(1)(A);
- (c) to travel from a State and foreign country into any other State and acquire and attempt to acquire a firearm in such other State with the intent to engage in and in furtherance of dealing in firearms, and transporting and receiving a firearm in interstate and foreign commerce without a license, in violation of Title 18, United States Code, Section 924(n);
- (d) to knowingly transport and receive in interstate and foreign commerce any firearm, which has had the manufacturer's serial number removed, obliterated, and altered, and to knowingly possess and receive any firearm which has had the manufacturer's serial number removed, obliterated, and altered and has, at any time, been shipped and transported in interstate and foreign commerce, in violation of Title 18, United States Code, Section 922(k);
- (e) to willfully transfer, sell, trade, give, transport, and deliver a firearm to a person, who the transferor knows and has reasonable cause to believe does not reside in the State in which the transferor resides, in violation of Title 18, United States Code, Section 922(a)(5);
- (f) to fraudulently and knowingly export, send, and attempt to export and send from the United States any merchandise, article, and object, contrary to any law and regulation of the United States, and to receive, conceal, buy, sell, and facilitate the transportation, concealment, and sale of such merchandise, article, and object, prior to exportation, knowing the same to be intended for exportation contrary to any law and regulation of the United States, in violation of Title 18, United States Code, Section 554; and
- (g) to willfully export a firearm, which was designated a defense article under Category I of the United States Munitions List, without a license for such export from the Department of State, in violation of the Arms Export Control Act, Title 22, United States Code, Sections 2778(b)(2) and 2778(c), and the International Traffic in Arms Regulations, Title 22, Code of Federal Regulations, Sections 121.1, 123.1, 127.1, and 127.3.

PURPOSE

2. The primary purpose of the conspiracy was to purchase firearms in the United States, smuggle the firearms to Mexico, and supply the firearms to the Cartel de Jalisco Nueva Generación, a transnational criminal organization.

MANNER AND MEANS

3. To achieve the purpose of the conspiracy, the conspirators found firearms using online gun brokers, purchased firearms, falsely represented themselves as the actual buyers of the firearms, acquired the firearms from licensed firearms dealers, transported the firearms to California, removed the serial numbers from firearms, smuggled the firearms from the United States to Mexico, and transferred the firearms to associates of the Cartel de Jalisco Nueva Generación.

ACTS IN FURTHERANCE

4. To further the conspiracy, the conspirators committed overt acts in the Eastern District of Wisconsin and elsewhere, including but not limited to the following:

- (a) In or about December 2017, JESUS CISNEROS-HERNANDEZ spoke with Co-Conspirator 1 and Co-Conspirator 2 in Jalisco, Mexico, about purchasing firearms in the United States in exchange for money.
- (b) Between on or about February 13, 2018, and on or about March 5, 2018, Co-Conspirator 1 attempted to recruit a resident of California to purchase firearms for export from the United States in exchange for money.
- (c) On or about February 20, 2018, Co-Conspirator 1 made a false statement intended and likely to deceive The Shooters' Sports Center, a licensed dealer in Racine, Wisconsin, with respect to a fact material to the lawfulness of the sale and disposition of a Barrett Model 82A1 .50 caliber rifle bearing serial number AA006768.
- (d) On or about March 11, 2018, Co-Conspirator 1 and Co-Conspirator 2 transported a Barrett Model 82A1 .50 caliber rifle bearing serial number AA006768 from the Eastern District of Wisconsin to California for export from the United States to Mexico.

- (e) On or about April 1, 2018, Co-Conspirator 2 transported money received in exchange for a firearm from Mexico to the United States.
- (f) On or about April 9, 2018, Co-Conspirator 2 made a false statement intended and likely to deceive The Shooters' Sports Center, a licensed dealer in Racine, Wisconsin, with respect to a fact material to the lawfulness of the sale and disposition of a Barrett Model 82A1 .50 caliber rifle bearing serial number AA006824.
- (g) On or about April 11, 2018, Co-Conspirator 1 made a false statement intended and likely to deceive The Shooters' Sports Center, a licensed dealer in Racine, Wisconsin, with respect to a fact material to the lawfulness of the sale and disposition of a Barrett Model 82A1 .50 BMG caliber rifle bearing serial number 1535.
- (h) On or about April 25, 2018, Co-Conspirator 1 took possession of a Barrett Model 82A1 .50 BMG caliber rifle bearing serial number 1535 from The Shooters' Sports Center in Racine, Wisconsin.
- (i) On or about June 13, 2018, Co-Conspirator 3 made a false statement intended and likely to deceive The Gun Shop LLC, a licensed dealer in Kenosha, Wisconsin, with respect to a fact material to the lawfulness of the sale and disposition of a Barrett Model 82A1 .50 caliber rifle bearing serial number AA002853.
- (j) On or about June 15, 2018, Co-Conspirator 3 made a false statement intended and likely to deceive The Gun Shop LLC, a licensed dealer in Kenosha, Wisconsin, with respect to a fact material to the lawfulness of the sale and disposition of a Browning M2HB .50 BMG caliber rifle bearing serial number 000043.
- (k) On or about July 10, 2018, Co-Conspirator 3 made a false statement intended and likely to deceive The Shooters' Sports Center, a licensed dealer in Racine, Wisconsin, with respect to a fact material to the lawfulness of the sale and disposition of a Barrett Model M82A1 .50 caliber rifle bearing serial number AA002148.
- (l) On or about September 13, 2018, Co-Conspirator 1 and CRISTINA COLE communicated about an attempt to purchase a Barrett Model 82A1 .50 BMG caliber rifle bearing serial number AA007538 from Fletcher Arms, a licensed dealer in Waukesha, Wisconsin.
- (m) On or about September 18, 2018, Co-Conspirator 2 made a false statement intended and likely to deceive Fletcher Arms, a licensed dealer in Waukesha, Wisconsin, with respect to a fact material to the lawfulness of the sale and disposition of a Barrett Model 82A1 .50 BMG caliber rifle bearing serial number AA007538.

- (n) On or about September 12, 2018, RAFAEL PRECIADO attempted to purchase a Barrett Model M82A1 .50 BMG caliber rifle bearing serial number AA007013 from The Gun Shop LLC, a licensed dealer in Kenosha, Wisconsin.
- (o) On or about September 12, 2018, RAFAEL PRECIADO made a false statement intended and likely to deceive The Gun Shop LLC, a licensed dealer in Kenosha, Wisconsin, with respect to a fact material to the lawfulness of the sale and disposition of a Barrett Model M82A1 .50 BMG caliber rifle bearing serial number AA007013.
- (p) On or about September 20, 2018, Co-Conspirator 3 made a false statement intended and likely to deceive Gander Outdoors, a licensed dealer in Kenosha, Wisconsin, with respect to a fact material to the lawfulness of the sale and disposition of a Barrett Model M82A1 .50 BMG caliber rifle bearing serial number AA007013.
- (q) Between on or about October 25, 2018, and on or about October 31, 2018, Co-Conspirator 1 disposed of multiple rifle cases and pistol cases, firearms manuals, and an inspection tag for a Barrett .50 caliber rifle bearing serial number AA007013 in a dumpster in Oak Creek, Wisconsin.
- (r) On or about February 27, 2019, Co-Conspirator 1 made a false statement intended and likely to deceive Gander Outdoors, a licensed dealer in Kenosha, Wisconsin, with respect to a fact material to the lawfulness of the sale and disposition of a FN America SCAR 17S 7.62 caliber rifle bearing serial number H0C10924.
- (s) On or about February 27, 2019, Co-Conspirator 1 made a false statement intended and likely to deceive Gander Outdoors, a licensed dealer in Kenosha, Wisconsin, with respect to a fact material to the lawfulness of the sale and disposition of a FN America SCAR 17S 7.62 FDE caliber rifle bearing serial number HC40015.

All in violation of Title 18, United States Code, Section 371.

COUNT TWO
Dealing in Firearms Without a License

THE GRAND JURY FURTHER CHARGES THAT:

Between in or about December 2017 and until on or about March 1, 2019, in the State and Eastern District of Wisconsin and elsewhere,

**JESUS CISNEROS-HERNANDEZ,
JUAN ARTURO CHARLES,
VICTOR COBIAN, and
RICHARD MOSQUEDA,**

not being licensed importers, licensed manufacturers, and licensed dealers, did willfully engage in the business of dealing in firearms, and in the course of such business did ship, transport, and receive firearms in interstate and foreign commerce.

In violation of Title 18, United States Code, Sections 922(a)(1)(A), 924(a)(1)(D), 2(a), and 2(b), and *Pinkerton v. United States*, 328 U.S. 640 (1946).

COUNT THREE
Making a False Statement to a Licensed Firearms Dealer

THE GRAND JURY FURTHER CHARGES THAT:

1. On or about February 20, 2018, in the State and Eastern District of Wisconsin,

JESUS CISNEROS-HERNANDEZ,

in connection with the acquisition of a firearm from The Shooters' Sports Center, a licensed dealer in Racine, Wisconsin, did knowingly make a false statement intended and likely to deceive the licensed dealer with respect to a fact material to the lawfulness of the sale and disposition of such firearm.

2. In connection with the acquisition of a firearm, namely, a Barrett Model 82A1 .50 caliber rifle bearing serial number AA006768, aided and abetted and caused Co-Conspirator 1 to make a false statement on a Firearms Transaction Record (ATF Form 4473) that he was the actual transferee/buyer of the firearm, when, in fact, he was not.

All in violation of Title 18, United States Code, Sections 922(a)(6), 924(a)(2), 2(a), and 2(b), and *Pinkerton v. United States*, 328 U.S. 640 (1946).

COUNT FOUR
Smuggling Goods from the United States

THE GRAND JURY FURTHER CHARGES THAT:

1. Between on or about February 20, 2018, and on or about March 11, 2018, in the State and Eastern District of Wisconsin and elsewhere,

**JESUS CISNEROS-HERNANDEZ,
JUAN ARTURO CHARLES, and
RICHARD MOSQUEDA**

did knowingly export and send from the United States and attempt to export and send from the United States an object, and did receive, conceal, buy, sell, and facilitate the transportation, concealment, and sale of such object, knowing the same to be intended for exportation, contrary to a law and regulation of the United States, namely, the Gun Control Act of 1968, specifically, Title 18, United States Code, Sections 922(a)(1)(A), 924(n), and 922(k), the Arms Export Control Act (AECA), specifically, Title 22, United States Code, Sections 2778(b)(2) and 2778(c), and the International Traffic in Arms Regulations (ITAR), specifically, Title 22, Code of Federal Regulations, Sections 121.1, 123.1, 127.1, and 127.3.

2. The object is more particularly described as a Barrett Model 82A1 .50 caliber rifle bearing serial number AA006768.

All in violation of Title 18, United States Code, Sections 554, 2(a), and 2(b), and *Pinkerton v. United States*, 328 U.S. 640 (1946).

COUNT FIVE
Violation of the Arms Export Control Act

THE GRAND JURY FURTHER CHARGES THAT:

On or about March 11, 2018, in the State and Eastern District of Wisconsin and elsewhere,

**JESUS CISNEROS-HERNANDEZ,
JUAN ARTURO CHARLES, and
RICHARD MOSQUEDA**

did willfully export, attempt to export, and cause to be exported a defense article, namely, a Barrett Model 82A1 .50 caliber rifle bearing serial number AA006768, which was designated under Category I of the United States Munitions List, from the United States to Mexico, without a license for such export issued by the Department of State.

In violation of Title 22, United States Code, Sections 2778(b)(2) and 2778(c), Title 22, Code of Federal Regulations, Sections 121.1, 123.1, 127.1, and 127.3, Title 18, United States Code, Sections 2(a) and 2(b), and *Pinkerton v. United States*, 328 U.S. 640 (1946).

COUNT SIX
Making a False Statement to a Licensed Firearms Dealer

THE GRAND JURY FURTHER CHARGES THAT:

1. On or about April 9, 2018, in the State and Eastern District of Wisconsin,

JESUS CISNEROS-HERNANDEZ,

in connection with the acquisition of a firearm from The Shooters' Sports Center, a licensed dealer in Racine, Wisconsin, did knowingly make a false statement intended and likely to deceive the licensed dealer with respect to a fact material to the lawfulness of the sale and disposition of such firearm.

2. In connection with the acquisition of a firearm, namely, a Barrett Model 82A1 .50 caliber rifle bearing serial number AA006824, aided and abetted Co-Conspirator 2 to make a false statement on a Firearms Transaction Record (ATF Form 4473) that he was the actual transferee/buyer of the firearm, when, in fact, he was not.

All in violation of Title 18, United States Code, Sections 922(a)(6), 924(a)(2), and 2(a), and *Pinkerton v. United States*, 328 U.S. 640 (1946).

COUNT SEVEN

Making a False Statement to a Licensed Firearms Dealer

THE GRAND JURY FURTHER CHARGES THAT:

1. On or about April 11, 2018, in the State and Eastern District of Wisconsin,

JESUS CISNEROS-HERNANDEZ,

in connection with the acquisition of a firearm from The Shooters' Sports Center, a licensed dealer in Racine, Wisconsin, did knowingly make a false statement intended and likely to deceive the licensed dealer with respect to a fact material to the lawfulness of the sale and disposition of such firearm.

2. In connection with the acquisition of a firearm, namely, a Barrett Model 82A1 .50 BMG caliber rifle bearing serial number 1535, aided and abetted Co-Conspirator 1 to make a false statement on a Firearms Transaction Record (ATF Form 4473) that he was the actual transferee/buyer of the firearm, when, in fact, he was not.

All in violation of Title 18, United States Code, Sections 922(a)(6), 924(a)(2), and 2(a), and *Pinkerton v. United States*, 328 U.S. 640 (1946).

COUNT EIGHT
Smuggling Goods from the United States

THE GRAND JURY FURTHER CHARGES THAT:

1. Between on or about April 9, 2018, and on or about May 6, 2018, in the State and Eastern District of Wisconsin and elsewhere,

**JESUS CISNEROS-HERNANDEZ,
JUAN ARTURO CHARLES, and
RICHARD MOSQUEDA**

did knowingly export and send from the United States and attempt to export and send from the United States objects, and did receive, conceal, buy, sell, and facilitate the transportation, concealment, and sale of such objects, knowing the same to be intended for exportation, contrary to a law and regulation of the United States, namely, the Gun Control Act of 1968, specifically, Title 18, United States Code, Sections 922(a)(1)(A), 924(n), and 922(k), the Arms Export Control Act (AECA), specifically, Title 22, United States Code, Sections 2778(b)(2) and 2778(c), and the International Traffic in Arms Regulations (ITAR), specifically, Title 22, Code of Federal Regulations, Sections 121.1, 123.1, 127.1, and 127.3.

2. The objects are more particularly described as a Barrett Model 82A1 .50 BMG caliber rifle bearing serial number 1535 and a Barrett Model 82A1 .50 caliber rifle bearing serial number AA006824.

All in violation of Title 18, United States Code, Sections 554, 2(a), and 2(b), and *Pinkerton v. United States*, 328 U.S. 640 (1946).

COUNT NINE
Violation of the Arms Export Control Act

THE GRAND JURY FURTHER CHARGES THAT:

On or about May 6, 2018, in the State and Eastern District of Wisconsin and elsewhere,

**JESUS CISNEROS-HERNANDEZ,
JUAN ARTURO CHARLES, and
RICHARD MOSQUEDA**

did willfully export, attempt to export, and cause to be exported defense articles, namely, a Barrett Model 82A1 .50 BMG caliber rifle bearing serial number 1535 and a Barrett Model 82A1 .50 caliber rifle bearing serial number AA006824, which were designated under Category I of the United States Munitions List, from the United States to Mexico, without a license for such export issued by the Department of State.

In violation of Title 22, United States Code, Sections 2778(b)(2) and 2778(c), Title 22, Code of Federal Regulations, Sections 121.1, 123.1, 127.1, and 127.3, Title 18, United States Code, Sections 2(a) and 2(b), and *Pinkerton v. United States*, 328 U.S. 640 (1946).

COUNT TEN

Making a False Statement to a Licensed Firearms Dealer

THE GRAND JURY FURTHER CHARGES THAT:

1. On or about June 13, 2018, in the State and Eastern District of Wisconsin,

**JESUS CISNEROS-HERNANDEZ and
VICTOR COBIAN,**

in connection with the acquisition of a firearm from The Gun Shop LLC, a licensed dealer in Kenosha, Wisconsin, did knowingly make a false statement intended and likely to deceive the licensed dealer with respect to a fact material to the lawfulness of the sale and disposition of such firearm.

2. In connection with the acquisition of a firearm, namely, a Barrett Model 82A1 .50 caliber rifle bearing serial number AA002853, Co-Conspirator 3 did make a false statement on a Firearms Transaction Record (ATF Form 4473) that he was the actual transferee/buyer of the firearm, when, in fact, he was not.

All in violation of Title 18, United States Code, Sections 922(a)(6) and 924(a)(2), and *Pinkerton v. United States*, 328 U.S. 640 (1946).

COUNT ELEVEN

Making a False Statement to a Licensed Firearms Dealer

THE GRAND JURY FURTHER CHARGES THAT:

1. On or about June 15, 2018, in the State and Eastern District of Wisconsin,

**JESUS CISNEROS-HERNANDEZ and
VICTOR COBIAN,**

in connection with the acquisition of a firearm from The Gun Shop LLC, a licensed dealer in Kenosha, Wisconsin, did knowingly make a false statement intended and likely to deceive the licensed dealer with respect to a fact material to the lawfulness of the sale and disposition of such firearm.

2. In connection with the acquisition of a firearm, namely, a Browning M2HB .50 BMG caliber rifle bearing serial number 000043, aided and abetted Co-Conspirator 3 to make a false statement on a Firearms Transaction Record (ATF Form 4473) that he was the actual transferee/buyer of the firearm, when, in fact, he was not.

All in violation of Title 18, United States Code, Sections 922(a)(6), 924(a)(2), and 2(a), and *Pinkerton v. United States*, 328 U.S. 640 (1946).

COUNT TWELVE

Making a False Statement to a Licensed Firearms Dealer

THE GRAND JURY FURTHER CHARGES THAT:

1. On or about July 10, 2018, in the State and Eastern District of Wisconsin,

**JESUS CISNEROS-HERNANDEZ and
VICTOR COBIAN,**

in connection with the acquisition of a firearm from The Shooters' Sports Center, a licensed dealer in Racine, Wisconsin, did knowingly make a false statement intended and likely to deceive the licensed dealer with respect to a fact material to the lawfulness of the sale and disposition of such firearm.

2. In connection with the acquisition of a firearm, namely, a Barrett Model M82A1 .50 BMG caliber rifle bearing serial number AA002148, Co-Conspirator 3 did make a false statement on a Firearms Transaction Record (ATF Form 4473) that he was the actual transferee/buyer of the firearm, when, in fact, he was not.

All in violation of Title 18, United States Code, Sections 922(a)(6) and 924(a)(2), and *Pinkerton v. United States*, 328 U.S. 640 (1946).

COUNT THIRTEEN

Transportation or Receipt of a Firearm in Interstate or Foreign Commerce

THE GRAND JURY FURTHER CHARGES THAT:

1. Between on or about July 27, 2018, and on or about July 29, 2018, in the State and Eastern District of Wisconsin and elsewhere,

**JESUS CISNEROS-HERNANDEZ,
JUAN ARTURO CHARLES,
VICTOR COBIAN, and
DEJAN ZORIC,**

with intent to commit an offense punishable by imprisonment for a term exceeding one year, namely, dealing in firearms without a license, in violation of Title 18, United States Code, Section 922(a)(1)(A), and smuggling goods from the United States, in violation of Title 18, United States Code, Section 554, and with knowledge and reasonable cause to believe that such an offense would be committed therewith, transported and received firearms in interstate and foreign commerce.

2. One of the firearms is more particularly described as a Barrett Model M82A1 .50 BMG caliber rifle bearing serial number AA002148.

All in violation of Title 18, United States Code, Sections 924(b), 2(a), and 2(b), and *Pinkerton v. United States*, 328 U.S. 640 (1946).

COUNT FOURTEEN
Smuggling Goods from the United States

THE GRAND JURY FURTHER CHARGES THAT:

1. Between on or about July 10, 2018, and on or about July 29, 2018, in the State and Eastern District of Wisconsin and elsewhere,

**JESUS CISNEROS-HERNANDEZ,
JUAN ARTURO CHARLES,
VICTOR COBIAN, and
DEJAN ZORIC**

did knowingly export and send from the United States and attempt to export and send from the United States objects, and did receive, conceal, buy, sell, and facilitate the transportation, concealment, and sale of such objects, knowing the same to be intended for exportation, contrary to a law and regulation of the United States, namely, the Gun Control Act of 1968, specifically, Title 18, United States Code, Section 922(a)(1)(A), the Arms Export Control Act (AECA), specifically, Title 22, United States Code, Sections 2778(b)(2) and 2778(c), and the International Traffic in Arms Regulations (ITAR), specifically, Title 22, Code of Federal Regulations, Sections 121.1, 123.1, 127.1, and 127.3.

2. One of the objects is more particularly described as a Barrett Model M82A1 .50 BMG caliber rifle bearing serial number AA002148.

All in violation of Title 18, United States Code, Sections 554, 2(a), and 2(b), and *Pinkerton v. United States*, 328 U.S. 640 (1946).

COUNT FIFTEEN
Violation of the Arms Export Control Act

THE GRAND JURY FURTHER CHARGES THAT:

Between on or about July 27, 2018, and on or about July 29, 2018, in the State and Eastern District of Wisconsin and elsewhere,

**JESUS CISNEROS-HERNANDEZ,
JUAN ARTURO CHARLES,
VICTOR COBIAN, and
DEJAN ZORIC**

did willfully export, attempt to export, and cause to be exported a defense article, namely, a Barrett Model M82A1 .50 BMG caliber rifle bearing serial number AA002148, which was designated under Category I of the United States Munitions List, from the United States to Mexico, without a license for such export issued by the Department of State.

In violation of Title 22, United States Code, Sections 2778(b)(2) and 2778(c), Title 22, Code of Federal Regulations, Sections 121.1, 123.1, 127.1, and 127.3, Title 18, United States Code, Sections 2(a) and 2(b), and *Pinkerton v. United States*, 328 U.S. 640 (1946).

COUNT SIXTEEN

Making a False Statement to a Licensed Firearms Dealer

THE GRAND JURY FURTHER CHARGES THAT:

1. On or about September 13, 2018, in the State and Eastern District of Wisconsin,

**JESUS CISNEROS-HERNANDEZ,
VICTOR COBIAN,
CRISTINA COLE, and
MICHAEL PRESTON,**

in connection with the attempted acquisition of a firearm from Fletcher Arms, a licensed dealer in Waukesha, Wisconsin, did knowingly make a false statement intended and likely to deceive the licensed dealer with respect to a fact material to the lawfulness of the sale and disposition of such firearm.

2. In connection with the attempted acquisition of a firearm, namely, a Barrett Model 82A1 .50 BMG caliber rifle bearing serial number AA007538, MICHAEL PRESTON did make a false statement on a Firearms Transaction Record (ATF Form 4473) that he was the actual transferee/buyer of the firearm, when, in fact, he was not.

All in violation of Title 18, United States Code, Sections 922(a)(6), 924(a)(2), 2(a), and 2(b), and *Pinkerton v. United States*, 328 U.S. 640 (1946).

COUNT SEVENTEEN
Making a False Statement to a Licensed Firearms Dealer

THE GRAND JURY FURTHER CHARGES THAT:

1. On or about September 18, 2018, in the State and Eastern District of Wisconsin,

**JESUS CISNEROS-HERNANDEZ and
VICTOR COBIAN,**

in connection with the acquisition of a firearm from Fletcher Arms, a licensed dealer in Waukesha, Wisconsin, did knowingly make a false statement intended and likely to deceive the licensed dealer with respect to a fact material to the lawfulness of the sale and disposition of such firearm.

2. In connection with the acquisition of a firearm, namely, a Barrett Model 82A1 .50 BMG caliber rifle bearing serial number AA007538, Co-Conspirator 2 did make a false statement on a Firearms Transaction Record (ATF Form 4473) that he was the actual transferee/buyer of the firearm, when, in fact, he was not.

All in violation of Title 18, United States Code, Sections 922(a)(6) and 924(a)(2), and *Pinkerton v. United States*, 328 U.S. 640 (1946).

COUNT EIGHTEEN
Making a False Statement to a Licensed Firearms Dealer

THE GRAND JURY FURTHER CHARGES THAT:

1. On or about September 12, 2018, in the State and Eastern District of Wisconsin,

**JESUS CISNEROS-HERNANDEZ,
VICTOR COBIAN, and
RAFAEL PRECIADO,**

in connection with the attempted acquisition of a firearm from The Gun Shop LLC, a licensed dealer in Kenosha, Wisconsin, did knowingly make a false statement intended and likely to deceive the licensed dealer with respect to a fact material to the lawfulness of the sale and disposition of such firearm.

2. In connection with the attempted acquisition of a firearm, namely, a Barrett Model M82A1 .50 BMG caliber rifle bearing serial number AA007013, RAFAEL PRECIADO did make a false statement on a Firearms Transaction Record (ATF Form 4473) that he was the actual transferee/buyer of the firearm, when, in fact, he was not.

All in violation of Title 18, United States Code, Sections 922(a)(6), 924(a)(2), and 2(a) and *Pinkerton v. United States*, 328 U.S. 640 (1946).

COUNT NINETEEN

Making a False Statement to a Licensed Firearms Dealer

THE GRAND JURY FURTHER CHARGES THAT:

1. On or about September 20, 2018, in the State and Eastern District of Wisconsin,

**JESUS CISNEROS-HERNANDEZ and
VICTOR COBIAN,**

in connection with the acquisition of a firearm from Gander Outdoors, a licensed dealer in Kenosha, Wisconsin, did knowingly make a false statement intended and likely to deceive the licensed dealer with respect to a fact material to the lawfulness of the sale and disposition of such firearm.

2. In connection with the acquisition of a firearm, namely, a Barrett Model M82A1 .50 BMG caliber rifle bearing serial number AA007013, aided and abetted Co-Conspirator 3 to make a false statement on a Firearms Transaction Record (ATF Form 4473) that he was the actual transferee/buyer of the firearm, when, in fact, he was not.

All in violation of Title 18, United States Code, Sections 922(a)(6), 924(a)(2), and 2(a), and *Pinkerton v. United States*, 328 U.S. 640 (1946).

COUNT TWENTY
Making a False Statement to a Licensed Firearms Dealer

THE GRAND JURY FURTHER CHARGES THAT:

1. On or about September 30, 2018, in the State and Eastern District of Wisconsin,

**JESUS CISNEROS-HERNANDEZ,
VICTOR COBIAN, and
CRISTINA COLE,**

in connection with the acquisition of a firearm from Chambered, a licensed dealer in Sturtevant, Wisconsin, did knowingly make a false statement intended and likely to deceive the licensed dealer with respect to a fact material to the lawfulness of the sale and disposition of such firearm.

2. In connection with the acquisition of a firearm, namely, a FN America M249S 5.56mm caliber rifle bearing serial number M249SA07138 and a FN America SCAR 5.56mm caliber rifle bearing serial number LC36343, CRISTINA COLE did make a false statement on a Firearms Transaction Record (ATF Form 4473) that she was the actual transferee/buyer of the firearm, when, in fact, she was not.

All in violation of Title 18, United States Code, Sections 922(a)(6), 924(a)(2), and 2(a), and *Pinkerton v. United States*, 328 U.S. 640 (1946).

COUNT TWENTY-ONE
Tampering with an Official Proceeding

THE GRAND JURY FURTHER CHARGES THAT:

Between on or about October 25, 2018, and on or about October 31, 2018, in the State and Eastern District of Wisconsin,

VICTOR COBIAN,

aiding and abetting another, did corruptly obstruct, influence, and impede, and did attempt to corruptly obstruct, influence, and impede, an official proceeding, namely, an investigation being conducted by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and a federal grand jury investigation into criminal offenses investigated by the ATF, by directing Co-Conspirator 1 to dispose of firearm accessories, cases, manuals, and an inspection tag.

In violation of Title 18, United States Code, Sections 1512(c)(2), 2(a), and 2(b), and *Pinkerton v. United States*, 328 U.S. 640 (1946).

COUNT TWENTY-TWO
Tampering by Corrupt Persuasion

THE GRAND JURY FURTHER CHARGES THAT:

Between on or about October 25, 2018, and on or about October 31, 2018, in the State and Eastern District of Wisconsin,

VICTOR COBIAN

did knowingly corruptly persuade and attempt to corruptly persuade Co-Conspirator 1 with the intent to cause and induce Co-Conspirator 1 to destroy and conceal objects, namely, firearm accessories, cases, manuals, and an inspection tag, with the intent to impair the objects' integrity and availability for use in an official proceeding, namely, an investigation being conducted by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and a federal grand jury investigation into criminal offenses investigated by the ATF.

In violation of Title 18, United States Code, Section 1512(b)(2)(B) and *Pinkerton v. United States*, 328 U.S. 640 (1946).

COUNT TWENTY-THREE
Tampering with Objects

THE GRAND JURY FURTHER CHARGES THAT:

Between on or about October 25, 2018, and on or about October 31, 2018, in the State and Eastern District of Wisconsin,

VICTOR COBIAN

did corruptly destroy and conceal and attempt to destroy and conceal objects, namely, firearm accessories, cases, manuals, and an inspection tag, with the intent to impair the objects' integrity and availability for use in an official proceeding, namely, an investigation being conducted by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and a federal grand jury investigation into criminal offenses investigated by the ATF.

In violation of Title 18, United States Code, Sections 1512(c)(1), 2(a), and 2(b), and *Pinkerton v. United States*, 328 U.S. 640 (1946).

COUNT TWENTY-FOUR
Making a False Statement to a Licensed Firearms Dealer

THE GRAND JURY FURTHER CHARGES THAT:

1. On or about February 27, 2019, in the State and Eastern District of Wisconsin,

**JESUS CISNEROS-HERNANDEZ and
VICTOR COBIAN,**

in connection with the acquisition of a firearm from Gander Outdoors, a licensed dealer in Kenosha, Wisconsin, did knowingly make a false statement intended and likely to deceive the licensed dealer with respect to a fact material to the lawfulness of the sale and disposition of such firearm.

2. In connection with the acquisition of a firearm, namely, a FN America SCAR 17S 7.62 caliber rifle bearing serial number H0C10924, Co-Conspirator 1 did make a false statement on a Firearms Transaction Record (ATF Form 4473) that he was the actual transferee/buyer of the firearm, when, in fact, he was not.

All in violation of Title 18, United States Code, Sections 922(a)(6) and 924(a)(2), and *Pinkerton v. United States*, 328 U.S. 640 (1946).

COUNT TWENTY-FIVE
Making a False Statement to a Licensed Firearms Dealer

THE GRAND JURY FURTHER CHARGES THAT:

1. On or about February 27, 2019, in the State and Eastern District of Wisconsin,

**JESUS CISNEROS-HERNANDEZ and
VICTOR COBIAN,**

in connection with the acquisition of a firearm from Gander Outdoors, a licensed dealer in Kenosha, Wisconsin, did knowingly make a false statement intended and likely to deceive the licensed dealer with respect to a fact material to the lawfulness of the sale and disposition of such firearm.

2. In connection with the acquisition of a firearm, namely, a FN America SCAR 17S 7.62 FDE caliber rifle bearing serial number HC40015, Co-Conspirator 1 did make a false statement on a Firearms Transaction Record (ATF Form 4473) that he was the actual transferee/buyer of the firearm, when, in fact, he was not.

All in violation of Title 18, United States Code, Sections 922(a)(6) and 924(a)(2), and *Pinkerton v. United States*, 328 U.S. 640 (1946).

FORFEITURE NOTICE


1. Upon conviction of the offenses in violation of Title 18, United States Code, Sections 371, 922(a)(1)(A), 922(a)(6), 554, 924(a)(2), and 924(b), Title 22, United States Code, Section 2778, and Title 22, Code of Federal Regulations, Sections 121.1, 123.1, 127.1, and 127.3, as set forth in the Indictment, the defendants shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), any property, real or personal, which constitutes or is derived from proceeds traceable to the offenses. The property to be forfeited includes, but is not limited to, a sum of money equal to the proceeds derived from the offense, firearms, and ammunition.


2. Upon conviction of the offenses in violation of Title 18, United States Code, Section 922(a)(6) set forth in this Indictment, the defendants shall forfeit to the United States, pursuant to Title 18, United States Code, Section 924(d) and Title 28, United States Code, Section 2461(c), any and all firearms and ammunition involved in the offense of conviction, including but not limited to the following:

- a. a Barrett Model 82A1 .50 caliber rifle bearing serial number AA006768;
- b. a Barrett Model 82A1 .50 caliber rifle bearing serial number AA006824;
- c. a Barrett Model 82A1 .50 BMG caliber rifle bearing serial number 1535;
- d. a Barrett Model 82A1 .50 caliber rifle bearing serial number AA002853;
- e. a Browning M2HB .50 BMG caliber rifle bearing serial number 000043;
- f. a Barrett Model M82A1 .50 BMG caliber rifle bearing serial number AA002148;
- g. a Barrett Model 82A1 .50 BMG caliber rifle bearing serial number AA007538;

- h. a Barrett Model M82A1 .50 BMG caliber rifle bearing serial number AA007013;
- i. a FN America M249S 5.56mm caliber rifle bearing serial number M249SA07138;
- j. a FN America SCAR 5.56mm caliber rifle bearing serial number LC36343;
- k. a FN America SCAR 17S 7.62 caliber rifle bearing serial number H0C10924;
- l. a FN America SCAR 17S FDE 7.62 caliber rifle bearing serial number HC40015; and
- m. a Fabrique Nationale Herstal SCAR 17S 7.62x51 caliber rifle bearing serial number HC62775.

3. If any of the property described above, as a result of any act or omission by a defendant: cannot be located upon the exercise of due diligence; has been transferred or sold to, or deposited with, a third person; has been placed beyond the jurisdiction of the Court; has been substantially diminished in value; or has been commingled with other property which cannot be subdivided without difficulty, the United States of America shall be entitled to forfeiture of substitute property, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).


RICHARD G. FROHLING
Acting United States Attorney


FOR PERSON

Dated: 11/2/2021